

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

HAROLD BLACKWOLF, SR.,)
Plaintiff,) No. CV-11-3022-JPH
v.) ORDER GRANTING STIPULATED
MICHAEL J. ASTRUE,) MOTION FOR REMAND
Commissioner of Social) (ECF No. 21)
Security,)
Defendant.)

BEFORE THE COURT is the parties' stipulated motion to remand this case to the Commissioner for further administrative proceedings (**ECF No. 22**). Cory Brandt represents plaintiff. Special Assistant United States Attorney Mathew W. Pile represents defendant. The parties have consented to proceed before a magistrate judge (**ECF No. 7**).

After considering the stipulated motion (ECF No. 21),
IT IS ORDERED that the **motion is GRANTED**. The **case is REVERSED** and
REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) for
further administrative proceedings, including:

1. The ALJ will give Plaintiff the opportunity to present additional or updated medical evidence.

2. The ALJ will further evaluate Plaintiff's ability to perform his past relevant work under 20 C.F.R. § 404.1560 and SSR 82-63.

3. The ALJ will obtain supplemental vocational expert testimony to clarify the effect of the assessed limitations on Plaintiff's occupational base.

4. Before relying on the VE's testimony, the ALJ shall identify and resolve any conflict between the information in the DOT and the occupational evidence provided by the VE.

Because this remand is pursuant to sentence four with a remand to the Commissioner for further proceedings (see *Melkonyan v. Sullivan*, 501 U.S. 89 (1991)), Plaintiff is entitled to reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412 (a), (d), upon proper request to this Court.

IT IS FURTHER ORDERED:

1. The parties' stipulated motion for an order of remand pursuant to sentence four (ECF No. 21) is **GRANTED**.

2. Judgment shall be entered for **PLAINTIFF**.

3. An application for attorney fees and costs may be filed by separate motion.

4. The District Court Executive is directed to enter this Order, enter judgment, forward copies to counsel, and **CLOSE** the file.

IT IS SO ORDERED.

DATED this 22nd day of December, 2011.

s/James P. Hutton
JAMES P. HUTTON
UNITED STATES MAGISTRATE JUDGE